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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS

ROBERT D. BRADSHAW,

Plaintiff,

vs.

COMMONWEALTH OF THE NORTHERN
MARIANA ISLANDS, NICOLE C. FORELLI,
WILLIAM C. BUSH, D. DOUGLAS COTTON,
L. DAVID SOSEBEE, ANDREW CLAYTON,
UNKNOWN AND UNNAMED PERSONS IN
THE CNMI OFFICE OF THE ATTORNEY
GENERAL, PAMELA BROWN, ROBERT
BISOM and JAY H. SORENSEN,

Defendants,

ROBERT A. BISOM,

Crossclaim Plaintiff,

vs.

COMMONWEALTH OF THE NORTHERN
MARIANA ISLANDS, NICOLE C. FORELLI,
WILLIAM C. BUSH, D. DOUGLAS COTTON,
L. DAVID SOSEBEE, ANDREW CLAYTON,
and PAMELA BROWN,

Crossclaim Defendants.

CASE NO. CV 05-00027

ROBERT A. BISOM'S:

ANSWER TO
FOURTH AMENDED
COMPLAINT;

AFFIRMATIVE DEFENSES;

CROSSCLAIM

DEMAND FOR JURY TRIAL

ANSWER

Defendant Robert A. Bisom, by and through his undersigned counsel, answers Plaintiff's Fourth Amended Complaint as follows:¹

1. Defendant Bisom ADMITS the allegations in the following paragraphs of the Fourth Amended Complaint: 1, 7, 15-20, 92-94, 129 and 144.

2. Defendant Bisom DENIES all of the allegations in the following paragraphs of the Fourth Amended Complaint: 5-6, 21-39, 47-53, 63, 65, 74-76, 89, 91, 113-114, 116, 130, 142-143, 212-228, 319-326, 329-333, 335-336, 357, 359, 361, 362, 376-377 and 380-382.

3. Defendant Bisom has insufficient information to admit or deny the allegations in paragraphs 3, 8-13, 56-58, 60-61, 64, 66-73, 77-88, 99-100, 115, 128, 131-138, 152-210, 233-260, 265-271, 276-279 and 340-344. Defendant Bisom therefore DENIES the same in their entirety.

4. Several paragraphs do not aver facts, but are legal contentions, questions, rhetorical statements, musings, speculative conclusions, prayers for relief and/or matters about which Defendant Bisom has no knowledge. To the extent, however, that the paragraphs, or any of them, or any part thereof, may be considered allegations of fact, Defendant Bisom hereby expressly DENIES all said allegations, if any, and DENIES that Plaintiff is entitled to any relief thereby, as stated in the following paragraphs: 2, 4, 40-46, 54-55, 59, 62, 95-98, 101-112, 117-125, 139-141, 145-151, 229-231, 261-263, 272-274, 280-282, 320-325, 327, 337-338, 345-346, 358, 360 and 378.

5. As to paragraph 90, Defendant Bisom admits that the Clerk of the Commonwealth

¹ Defendant Bisom notes that, to date, Plaintiff has not filed a Fourth Amended Complaint in this action. Notwithstanding that fact, pursuant to the Court's December 14, 2006 Order, Defendant Bisom is responding to Plaintiff's Third Amended Complaint taking into consideration the Court's rulings on December 1, 2006 and December 14, 2006 "as if the ordered amendments have already been made and a fourth amended complaint has been filed." Should Bradshaw make new or different allegations in a Fourth Amended Complaint, Defendant Bisom reserves the right to respond to those new or different allegations. Should Bradshaw not file a Fourth Amended Complaint, Defendant Bisom intends that this be his response to the Third Amended Complaint on file in this matter, as modified by subsequent orders of the Court.

1 Superior Court entered Bradshaw's default, but Defendant Bisom is without sufficient
2 information to answer the remaining allegations therein and therefore DENIES the same.

3 6. The following paragraphs state "deleted"; they do not make averments: 14, 283-317,
4 347-355, 363-374 and 383-397.

5 7. The following paragraphs were stricken by the Court in its Order dated December
6 1, 2006: 126-127, 322 (in part), 334 and 359 (in part).

7 8. In response to paragraphs 211, 232, 264, 275, 318, 328, 339, 356, 375 and 379,
8 Defendant Bisom hereby incorporates his responses in paragraphs 1-7 above as if fully set forth
9 herein.

10 9. The Court, by an order dated December 14, 2006, also struck paragraphs 2-4 of
11 Plaintiff's prayers for relief.

12 10. As to Plaintiff's prayers for relief contained in paragraphs 1 and 5-12, to the extent
13 those paragraphs contain allegations of fact, the paragraphs are DENIED in their entirety.
14 Further, Plaintiff is not entitled to any relief against Defendant Bisom by his Fourth Amended
15 Complaint.

16 11. As to Plaintiff's allegations in supplemental sections 13-16, the paragraphs contain
17 legal contentions and conclusions. However, to the extent they could be construed as asserting
18 factual allegations, the paragraphs are hereby DENIED in their entirety.
19

20 AFFIRMATIVE DEFENSES

21 1. Plaintiff has failed to state claims upon which relief against Defendant Bisom can
22 be granted;
23

24 2. The Court lacks subject-matter jurisdiction over the claims advanced by Plaintiff
25 against Defendant Bisom in his case;

26 3. Plaintiff's claims against Defendant Bisom are barred by the doctrines of issue and
27 claim preclusion;

28 4. Plaintiff's claims against Defendant Bisom are currently before the Commonwealth

1 courts for consideration and should not be determined in these proceedings based on
2 principals abstention and comity;

3 5. Plaintiff lacks standing to advance various claims in these proceedings;

4 6. Plaintiff's claims are barred by the applicable statutes of limitations;

5 7. Plaintiff's claims are barred by the doctrine of laches;

6 8. Plaintiff has waived any rights to advance claims against Defendant Bisom;

7 9. Plaintiff should be equitably estopped from advancing claims against Defendant
8 Bisom;

9 10. Plaintiff's equitable claims against Defendant Bisom are barred by his own unclean
10 hands;

11 11. Plaintiff has failed to join indispensable parties to this action;

12 12. Defendant Bisom was not a state actor and cannot be liable for alleged civil rights
13 violations;

14 13. Plaintiff assumed the risk, by his own conduct, of the losses, if any, about which
15 he now complains and is barred from recovering from Defendant Bisom therefor;

16 14. Plaintiff was negligent with regard to actions or omissions that Plaintiff alleges gave
17 rise to his present claims, which negligence in fact and proximately was the cause of some or
18 all of the injuries for which he now claims the right to remedies in this case;

19 15. The truth of the statements by Defendant Bisom, if any, which Plaintiff alleges
20 were defamatory is a complete defense to Plaintiff's claims of defamation advanced against
21 Defendant Bisom;

22 16. The knowledge of falsity or reckless disregard by Defendant Bisom of the truth, if
23 any, of the statements by Defendant Bisom, if any, which Plaintiff alleges were defamatory is
24 a complete defense to Plaintiff's claims of defamation advanced against Defendant Bisom;

25 17. Defendant Bisom had an absolute privilege to publish statements, if any, that
26 Plaintiff alleges were defamatory; and

27 18. Defendant Bisom had a qualified privilege to publish statements, if any, that
28

1 Plaintiff alleges were defamatory.

3 CROSSCLAIM

4 Pursuant to Fed. R. Civ. P. 13(g), Defendant Bisom makes the following crossclaim
5 against Defendants Commonwealth of the Northern Mariana Islands, Nicole C. Forelli,
6 William C. Bush, D. Douglas Cotton, L. David Sosebee, Andrew Clayton and Pamela Brown
7 (the "Government Defendants"):

8 1. This Court has jurisdiction over this crossclaim pursuant to its supplemental
9 jurisdiction under 28 U.S.C. § 1367(b);

10 2. Allegations and claims for relief advanced by Plaintiff against Defendant Bisom in
11 Plaintiff's Fourth Amended Complaint arise out of alleged negligent and intentionally
12 wrongful conduct of the Government Defendants;

13 3. Notwithstanding any and all other legal obligations Defendant Commonwealth of
14 the Northern Mariana Islands has to indemnify and defend Defendant Bisom in this matter,
15 should Plaintiff recover any relief against Defendant Bisom pursuant to his Fourth Amended
16 Complaint, as the parties responsible for the negligent and wrongful acts, if any, of which
17 Plaintiff now complains and in which Defendant Bisom had no part, the Government
18 Defendants should fully contribute and indemnify Defendant Bisom from any liability to
19 Plaintiff therefor.
20

21
22 WHEREFORE, Defendant Bisom prays that Plaintiff take nothing by his Fourth
23 Amended Complaint, and that Defendant Bisom be awarded costs, including reasonable
24 attorney's fees, for defending against this frivolous and vexatious suit. Further, should for
25 whatever reasons, Defendant Bisom be held liable to Plaintiff for any relief requested by his
26 Fourth Amended Complaint, as the responsible parties, the Government Defendants, jointly
27 and severally, should fully indemnify Defendant Bisom for such liability.
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1 DATED this 3rd day of January, 2007.

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3
4 /s/ Mark B. Hanson

5 MARK B. HANSON

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10 Attorney for *Defendant Robert A. Bisom*

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12 DEMAND FOR JURY TRIAL

13 Pursuant to Fed. R. Civ. P. 58(b), Defendant Robert A. Bisom hereby demands a trial
14 by jury on all causes of action, claims, counterclaims and crossclaims for relief advanced in this
15 matter not earlier disposed of by dispositive motion.

16
17 DATED this 3rd day of January, 2007.

18
19 /s/ Mark B. Hanson

20 MARK B. HANSON

21 Second Floor, Macaranas Building
22 Beach Road, Garapan
23 PMB 738, P.O. Box 10,000
24 Saipan, MP 96950
Telephone: (670) 233-8600
Facsimile: (670) 233-5262
E-mail Address: mark@saipanlaw.com

25 Attorney for *Defendant Robert A. Bisom*

CERTIFICATE OF SERVICE

I hereby certify that this day a copy of the foregoing was deposited in the United States Post Office, first class mail, postage prepaid, addressed to the following:

Robert D. Bradshaw, Plaintiff *pro se*
P.O. Box 473
1530 W. Trout Creek Road
Calder, Idaho 83808

Jay H. Sorensen, Esq.
c/o Shanghai
Post Office Box 9022
Warren, MI 48090-9022

I further certify that the following were served with a copy of the foregoing via the Court's electronic case filing system:

Gregory Baka, Assistant Attorney General
Office of the Attorney General
Civil Division—Capitol Hill
Second Floor, Juan A. Sablan Memorial Building
Caller Box 10007
Saipan, MP 96950

DATED: January 3, 2007

/s/ Mark B. Hanson

MARK B. HANSON